



JUDICIAL STANDARDS COMMISSION
STATE OF NORTH CAROLINA

FORMAL ADVISORY OPINION: 2010-04

May 14, 2010

QUESTION:

May an emergency or retired/recalled judge ethically accept an appointment to concurrently serve as a compensated appellate judge for a Native American tribal court?

COMMISSION CONCLUSION:

The Judicial Standards Commission determined an emergency or retired/recalled state court judge may ethically accept an appointment to concurrently serve as an appellate judge for a Native American tribal court. Such dual service is conditional upon the impartial, independent and proper discharge of the judge's state court judicial duties.

DISCUSSION:

Service as an emergency or retired/recalled state court judge is part-time and compensated on a per diem basis. Emergency or retired/recalled judges are free to decline an offered commission to hold court. Therefore there is little likelihood the dual appointments would conflict. During the course of such dual service, the judge should be vigilant and disqualify from any matter in which his/her impartiality could reasonably be called into question. The public report provisions of Canon 6C will require the judge to report compensation in excess of \$2,000.00 received for service as an appellate judge for a Native American tribal court.

Reference:

North Carolina Code of Judicial Conduct
Canon 1
Canon 2A
Canon 3C(1)
Canon 6